

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

Conservatorship of the Person of JANE
T.

JAMES D. LIVINGSTON, as Public
Guardian, etc.,

Petitioner and Respondent,

v.

JANE T.,

Objector and Appellant.

C060594

(Super. Ct. No.
98LPSQ0002758)

Jane T. has a lengthy mental health history, dating back to at least 1992. She was adjudged gravely disabled and a permanent conservator was appointed on May 20, 1998, under the Lanterman-Petris-Short Act. (Welf. & Inst. Code, §§ 5000, 5350 et seq.) Over the ensuing years, the conservator was reappointed. The most recent reappointment, and the subject of this appeal, was ordered on September 23, 2008, and expires by operation of law on September 22, 2009.

We appointed counsel to represent Jane on appeal. Counsel filed an opening brief setting forth the facts of the case and requesting this court to exercise its discretion to independently review the record and determine whether there are any arguable issues on appeal. (*Conservatorship of Ben C.* (2007) 40 Cal.4th 529; *People v. Wende* (1979) 25 Cal.3d 436.) Jane was advised by counsel of the right to file a supplemental brief. Jane has filed a supplemental brief stating she is not "gravely disabled," that it is time for her to have control of her own money and life decisions, and that she is capable of making her own decisions.

In reviewing a judgment following conservatorship proceedings, we apply the same standard of review as in criminal proceedings. (*Conservatorship of Walker* (1989) 206 Cal.App.3d 1572, 1577; *Conservatorship of Murphy* (1982) 134 Cal.App.3d 15, 18.) That is, we review the record in a light most favorable to the judgment to determine whether it contains sufficiently substantial evidence to support the judgment. (*People v. Johnson* (1980) 26 Cal.3d 557, 578.) It is within the trier of fact's exclusive province to resolve conflicts in the testimony and determine witness credibility. (*People v. Franz* (2001) 88 Cal.App.4th 1426, 1447.)

Here, Jane did not contest the petition alleging she was gravely disabled. As in a criminal case, by not contesting the allegations, Jane admitted the sufficiency of the evidence supporting those allegations and obviated the need for any evidence to be presented. (See *People v. Turner* (1985)

171 Cal.App.3d 116, 125-126; *People v. Soriano* (1992)
4 Cal.App.4th 781, 784.) In not contesting the allegations of
the petition, Jane forfeited "any right to raise questions
regarding the evidence, including its sufficiency." (*Turner*, at
p. 125.)

Having undertaken an examination of the entire record, we
find no arguable error that would result in a disposition more
favorable to Jane. Having discerned no arguable issue on
appeal, we dismiss the appeal on our own motion.

(*Conservatorship of Ben C.* (2007) 40 Cal.4th at p. 544.)

DISPOSITION

The appeal is dismissed.

ROBIE, J.

We concur:

HULL, Acting P. J.

BUTZ, J.